

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

SANDRA J. COOK,
Plaintiff,

v.

CIVIL ACTION NO.2:10CV91

COMMISSIONER OF SOCIAL SECURITY,
Defendant.

ORDER/OPINION

On July 27, 2010, Plaintiff, *pro se*, filed a Complaint in this matter. On September 30, 2010, Defendant Commissioner of Social Security filed his Answer to the Complaint, along with a copy of the Transcript of the Administrative Proceedings in this matter. On November 12, 2010, this Court Ordered Plaintiff to file a Motion for Summary Judgment and Brief in Support on or before December 15, 2010. On November 15, 2010, Plaintiff hand-delivered a one-page letter to the clerk's office. The Court cannot determine if Plaintiff intends this letter to be her Motion for Summary Judgment. Local Rule of Civil Procedure 9.0(g) provides:

Claims or contentions by the plaintiff alleging deficiencies in the Administrative Law Judge's (ALJ) consideration of claims or alleging mistaken conclusions of fact or law . . . must include a specific reference, by page number, to the portion of the record that (1) recites the ALJ's consideration or conclusion and (2) supports the party's claims, contentions or arguments.

Because the plaintiff is proceeding *pro se*, the Court has ordered her letter of November 15, 2010, filed as her Motion for Summary Judgment and will consider it as such. In an abundance of caution, however, the Court will allow Plaintiff until the original deadline of December 15, 2010, to supplement her Motion, should she so desire, with (1) references to the ALJ's considerations or conclusions which she

disputes and (2) references to page numbers of the record which support her claims. If Plaintiff does not file such a supplement on or before December 15, 2010, her letter will be considered by the Court as her full Motion for Summary Judgment and Brief in Support.

Regardless of whether Plaintiff files a supplemental motion, Defendant shall file his Motion for Summary Judgment on January 14, 2011.

The Clerk is directed to send a copy of this to counsel of record and a copy by certified United States Mail to Plaintiff, *pro se*.

DATED: November 16, 2010.

John S. Kaul

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE